

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 12-116
A RESOLUTION APPROVING THE ROSEN COASTAL PERMIT
AND MINOR DESIGN REVIEW
5 BALMORAL WAY, INVERNESS
ASSESSOR'S PARCEL 112-144-01

SECTION I: FINDINGS

- I. WHEREAS, the applicant is requesting Coastal Permit and Minor Design Review approval to remodel and build an addition to an existing residence built in 1912. The remodel includes foundation and deck repairs and replacement, seismic and structural upgrades and a new septic system. The existing residence is 1,524 square feet in size and the applicant proposes to remove and reconstruct an existing sunroom that would increase the lower level from 178 square feet to 612 square feet in size. The modifications would result in a residence that would be 1,868 square feet in size, resulting in an increase of 344 square feet of new floor area. The addition would have a proposed height of approximately 21 feet above natural grade. The proposed project would result in a recognized new floor area ratio of 19% on the 9,808 square foot lot. The residence would be re-sided with cement fiber shingles in "Mountain Sage," with window trim and fascia in "Country Lane Red", and an asphalt shingle roof in "Barkwood." The additions to the residence would maintain the following setbacks: 1) 9 feet from the westerly front property line; 2) 10 feet from the easterly side property line; 3) 32 feet from the southerly side property line, and over 50 feet from the southeasterly rear property line. A Coastal Permit is required because the project is within the Coastal zone. A Minor Design Review is required because the project is in a planned district.

The subject property is located at **5 Balmoral Way in Inverness** and is further identified as **Assessor's Parcel 112-144-01**.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing November 15, 2012, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails construction that will not impact sensitive habitats, nor involve adverse grading or tree removal.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-SF3 (Coastal, Single Family, 1 dwelling unit per 1-5 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than

significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 6:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 5:00p.m. on Saturday. (CWP Policies NO-1.1 and NO-1.3);

- C. The project has been designed to be consistent with the design and scale of the surrounding community (CWP Policies, DES-1.1, DES-1.2, DES-1.h, DES-3.1, DES-4.1, DES-4.c, and DES-5.1,);
- D. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of any trees.
- E. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the submitted biological site assessment, the subject property does not provide habitat for special-status species of plants or animals.
- F. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
- G. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
- H. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies BIO4-20, WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system complies with the standards and best management practices required by the Department of Public Works.
- I. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- J. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
- K. The project would meet energy efficient standards for exterior lighting, and would reduce excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.

- L. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements will be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Inverness Ridge Communities Plan because while it permits an addition to the existing residence, it also includes improvements and septic system upgrades which will meet current health and safety standards (IRCP, pg. 59).
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The lot is currently served by the Inverness Public Utility District (IPUD). Although IPUD did not respond to County requests for input regarding the project, prior to final building permit inspection, the applicant will need to provide documentation to the Marin County Community Development Agency that it has satisfied all water standards required by IPUD. Therefore, the project is consistent with this finding.

B. Septic System Standards

The proposed septic system has been reviewed and approved by the Environmental Health Services Division. As a standard condition of approval, the applicant must ensure that the project meets all Environmental Health septic system standards prior to final issuance of a building permit. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The property has slope conditions varying from gentle to steep. The project is located largely upon an already disturbed portion of the site, where the site is subject to gentler slopes. The addition to the primary residence would require minimal additional grading due to the site already having been disturbed. As such, the project, as designed, will keep grading to the minimum amount necessary. Therefore, the project is consistent with this finding.

D. Archaeological Resources

The project is located within an area of known archaeological sensitivity. This is based on identified and mapped areas of archaeological sensitivity. The project however encompasses minimal footprint expansion and involves largely the enclosure of an existing deck. As a result, the discovery of archaeological resources on the site is highly unlikely. However, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community because it does not involve removing any existing housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is located outside the vicinity of any recognized sensitive streams or wetlands subject to the stream and wetland protections of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Plan and there are no dunes in the area. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The applicant provided a biological assessment, prepared by Jules Evens, Wildlife Biologist, found that the site was incapable of supporting sensitive species which have been sometimes found in the Inverness community and found that no impact would result from the proposed project. Therefore the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, the visits to the site, and the report prepared by Mr. Evens, no known protected native plant communities were found on the site. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. The Department of Public Works has also conditioned that a Registered Geotechnical Engineer or a Registered Civil Engineer with soils engineering expertise review and approve the plans. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the California Building Code and as a condition of project approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter

resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The residence is located at the end of a rural, non-County maintained road in Inverness and is visible in from Sir Francis Drake Boulevard. However, the project incorporates materials and colors that are similar to the existing structure and blend into the surrounding environment. The addition to the residence is less than 25 feet in height, which is consistent with the Interim Zoning Code standards for height in this zoning district. The project will be compatible with the surrounding built and natural environment and will not be visually prominent. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities because of its rural location in Inverness and it does not infringe on access to any nearby local visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, but the proposed project does entail alterations to a structure that was constructed prior to 1930. The Local Coastal Program permits modifications to structures built prior to 1930, so long as a Coastal Permit is granted. Since the residence is not designated as historic and the proposed modifications are minor, the project is therefore, consistent with this finding.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;**

The proposed project entails the construction of an addition on to the existing residence and a new septic system. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the

General Plan and the Inverness Ridge Communities Plan. Therefore, the project is consistent with this finding.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The project has been designed to be consistent with the design, scale, and material commonly found in the surrounding community. The proposed materials and color scheme will blend with the natural landscape of earthtones found in the community and will be consistent with County policy which encourages neutral colors and materials which will not stand out in relation to the community and natural surrounding environment. Therefore, the project is consistent with this finding.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The property is located in a low density, rural residentially developed portion of Inverness. The property is located along a non-County maintained road with infrequent use, except by local residents. The proposed project entails the construction of an addition to the existing residence and a new septic system. The property is outside of the viewshed of the community and Sir Francis Drake Boulevard. The proposed project will not inhibit future development of the neighborhood, nor create a disruption to the overall neighborhood. The construction will not be a substantial impact to those utilizing the roadway or the local road network and no improvements to Balmoral Way or the local road system has been found to be needed by the Department of Public Works to accommodate the development. Therefore, the project would be consistent with this finding.

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project, will not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design, location, and the natural screening which already occurs upon the property. As noted in Finding C, the proposed project will not limit or otherwise inhibit future development of neighboring properties. In addition, the entire project is located upon the property and will not have an impact on public lands or rights-of-way. Therefore, the project would be consistent with this finding.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The proposed project will not result in the removal of any healthy, native trees or protected vegetation. The rural nature of the site already makes it well screened from the surrounding neighbors and local community. Therefore, the project would be consistent with this finding.

F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The proposed project entails the construction of an addition to the residence. The proposed project has been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and, as noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities Plan.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan be submitted and considered for ordinance compliance prior to Building Permit issuance.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

As noted above in Section I, subsection VI(C), the project is located largely upon an already disturbed portion of the site, where the site is subject to gentler slopes. The addition to the primary residence would require minimal additional grading due to the site already having been disturbed. As such, the project, as designed, will keep grading to the minimum amount necessary which will minimize the amount of necessary fill.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The project is entirely upon the owner's property and will not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The project as designed is consistent with the policies of the Countywide Plan, Inverness Ridge Communities Plan, Interim Zoning Code, and is otherwise consistent with the general height and bulk of other residences found in the community. The proposed project as designed and the lot's general location would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties.

Therefore, the project would be consistent with this finding.

- G. **It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The materials, design, and scale of the proposed addition to the residence, are consistent with others found in the surrounding community. The proposed addition will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

SECTION II: ACTION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Rosen Coastal Permit and Minor Design Review subject to the conditions of approval listed below. This approval authorizes the remodel of and an addition to an existing residence built in 1912. The remodel shall include foundation and deck repairs and replacement, seismic and structural upgrades and a new septic system. The existing residence is 1,524 square feet in size and the project is approved to remove and reconstruct an existing sunroom that shall increase the lower level from 178 square feet to 612 square feet in size. The modifications shall result in a residence that is 1,868 square feet in size, and result in an increase of 344 square feet of new floor area. The addition is approved to have a height of approximately 21 feet above natural grade. The project is approved to have a floor area ratio of 19% on the 9,808 square foot lot. The residence shall be re-sided with cement fiber shingles in "Mountain Sage," with window trim and fascia in "Country Lane Red," and an asphalt shingle roof in "Barkwood." The additions to the residence shall maintain the following setbacks: 1) 9 feet from the westerly front property line; 2) 10 feet from the easterly side property line; 3) 32 feet from the southerly side property line, and over 50 feet from the southeasterly rear property line.

The subject property is located at **5 Balmoral Way in Inverness**, and is further identified as **Assessor's Parcel 112-144-01**.

SECTION III: CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Community Development Agency – Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Rosen Family Residence," consisting of sixteen sheets prepared by Ronald L. Casassa, Architect, dated March 7, 2012, and received July 31, 2012, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample which is identified as "Exhibit B," prepared by EHDD Architecture, received July 6, 2011, and on file with the Marin County Community Development Agency including:
 - a. The proposed additions, existing residence, and new accessory structures will be painted to match.
 - b. Mountain Sage (green) shingle siding

- c. Red color window-door trim
- d. Dark bronze window and sliding door frames
- e. Clear stain, redwood, entry doors
- f. Red/brown side doors
- g. "Barkwood" Gray/brown, composition shingle roof

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
4. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
5. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
6. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.** No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

7. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
8. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the buildings conform to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building Inspection Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building%20Inspection%20Procedures.pdf) for additional details regarding this requirement.
9. BEFORE THE FINAL INSPECTION, the applicant shall submit confirmation from the Inverness Public Utility District that all requirements of the District have been satisfied.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
11. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
12. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the Environmental Health Services Division that the project meets all Environmental Health septic system standards.

Marin County Department of Public Works - Land Use and Water Resources Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan per the geotechnical engineer's recommendations. Surface drainage from the foundation shall be at 5% for a 10 foot minimum. If existing topography precludes a 5% slope for 10 feet, an engineered design that meets the same intent shall be required. All drainage facilities shall terminate a minimum of 10 feet from property boundaries. The drainage plans shall be designed by either a registered engineer or architect.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall have the plans reviewed and approved by a registered civil engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a note on the plans stating the following: *"The design engineer/architect shall certify to the Department of Public Works in writing that all grading, drainage, and retaining wall construction was completed in accordance with the approved plans and field inspections. Also, all driveways, parking and other site improvements shall be inspected by a Department of Public Works engineer prior to building permit final."*

SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

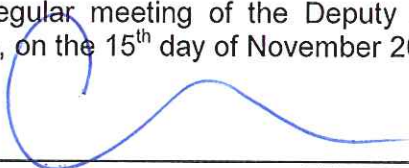
NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **November 15, 2014**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on November 26, 2012**.


SECTION V: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of November 2012.



CURTIS HAVEL
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary

